

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark G. Currie et al. Art Unit : 1654
Serial No. : 10/796,719 Examiner : Roy R. Teller
Filed : March 9, 2004 Conf. No. : 1787
Title : METHODS AND COMPOSITIONS FOR THE TREATMENT OF
GASTROINTESTINAL DISORDERS

Commissioner for Patents
P.O. Box 1450
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TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), MICROBIA, INC., a, certifies that it is the assignee of the entire right, title, and interest in the present application by virtue of:

An assignment from the inventors of the present patent application. The assignment was recorded in the Patent and Trademark Office at Reel 015144 , Frame 0450 on September 16, 2004 , or a copy thereof is attached.

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a provisional double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the present application subsequent to the expiration date of the patent to issue from U.S. application serial no. 10/899,806 provided that any patent granted on the present application shall be enforceable only for and during such period that it is commonly owned with. U.S. application serial no. 10/899,806.

The assignee identified above does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of the patent to issue from U.S. application serial no. 10/899,806 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of the patent to issue from U.S. application serial no. 10/899,806.

This disclaimer runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

The required fee pursuant to 37 C.F.R. § 1.20(d) in the amount of \$65 is being paid herewith. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:13 August 2007

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